

**CHAPTER NO. 193**

**SENATE BILL NO. 2214**

**By Jackson**

**Substituted for: House Bill No. 1925**

**By Henri Brooks, Cooper**

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 7, relative to racial profiling study by Tennessee highway patrol.

WHEREAS, the people of Tennessee are dedicated to the fair and equitable treatment of all persons regardless of race, ethnicity, national origin, or religion; and

WHEREAS, the term "racial profiling" has come to mean the practice of using race, ethnicity, national origin, or religion as the primary factor in deciding who is subject to law enforcement investigations; and

WHEREAS, racial profiling is unconstitutional and not an effective use of law enforcement resources; and

WHEREAS, there has been in recent years a growing national awareness of instances of racial profiling; and

WHEREAS, some individuals have from time to time alleged instances of some Tennessee law enforcement officers practicing racial profiling; and

WHEREAS, thirty-seven (37) municipal police departments, six (6) county sheriffs' departments and one (1) university police department in Tennessee voluntarily participated in a racial profiling study throughout the year 2001, and the results of that study were compiled by the comptroller of the treasury and reported to the Tennessee General Assembly in March 2002; and

WHEREAS, many state officials and many law enforcement leaders recognized that this study brought attention to the problem, helped to identify areas where additional education and training are needed in regard to racial profiling, and generally contributed to a better understanding of the concerns of racial profiling among law enforcement officers, public officials and the public in general; and

WHEREAS, the commissioner of safety has voluntarily agreed to conduct a similar study involving officers of the Tennessee highway patrol; and

WHEREAS, this General Assembly seeks to continue the progress made in the past regarding the elimination of racial profiling; now, therefore,

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:**

**SECTION 1.** It is the intent of the General Assembly that the provisions of this act shall serve as a permissive pilot project and as such shall apply to the Tennessee highway patrol.

SECTION 2. (a) Commencing on January 1, 2006, and continuing all through the calendar year, the Tennessee highway patrol, using the form developed and promulgated pursuant to subsection (d) of this section, shall record and retain the following information:

(1) The number of persons stopped for traffic violations;

(2) Characteristics of race, color, ethnicity, gender and age of such persons; provided, that the identification of such characteristics shall be based on the observation and perception of the law enforcement officer responsible for reporting the stop and the information shall not be required to be provided by the person stopped;

(3) The nature of the alleged traffic violation that resulted in the stop;

(4) Whether a warrant or citation was issued, an arrest made or a search conducted as a result of the stop; and

(5) If a search was conducted, the type of search and the legal basis for that search, and whether contraband was discovered and property was seized.

(b) The Tennessee highway patrol shall begin submitting such data and information to the comptroller of the treasury on a monthly basis, beginning no later than February 1, 2006, by submitting or electronically transferring a copy of the form prescribed by the comptroller of the treasury.

(c) Any law enforcement officer who in good faith records traffic stop information pursuant to the requirements of this section shall not be held civilly liable for the act of recording such information.

(d) The comptroller of the treasury shall, within the limits of existing resources, provide for a review of the prevalence and disposition of traffic stops reported pursuant to this section. The comptroller of the treasury shall develop and promulgate a form, in both printed and electronic format, to be used by law enforcement officers to which this act applies when making a traffic stop to record personal identifying information about the operator of the motor vehicle that is stopped, the location of the stop, the reason for the stop and other information that is required to be recorded pursuant to subsection (a) of this section. The comptroller of the treasury shall report to the governor and General Assembly the results of such review, including any recommendations, no later than April 1, 2007.

(e) The provisions of this act shall be in effect from the effective date of this act until July 1, 2007.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 9, 2005

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 19<sup>th</sup> day of May 2005

  
PHIL BREDESEN, GOVERNOR